

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGELIO MAY RUIZ,

Plaintiff,

v.

R. EHLERS,

Defendant.

No. 2:21-cv-00146-JAM-JDP (PC)

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 1, 2021, the Court denied plaintiff's application for leave to proceed in forma pauperis because plaintiff is a three-strikers litigant within the meaning of 28 U.S.C. § 1915(g). ECF No. 13. Plaintiff was granted twenty-one days in which to pay the \$402 filing fee for this action and warned that failure to timely submit the fee would result in dismissal of this action. *Id.* Plaintiff has not paid the filing fee, and the allotted time has passed.

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1           Accordingly, it is hereby ORDERED that this action is dismissed without prejudice for  
2 failure to pay the filing fee.

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4       Dated: December 29, 2021

/s/ John A. Mendez

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THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE